

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS JANUARY 4, 2005 9:00 A.M.

ROLL CALL

Invocation – Fire Chaplain Clift Barnes
Pledge of Allegiance

REGULAR AGENDA

1. Discuss and take action on the City policy concerning the abatement of property taxes on private for-profit hospital facilities and equipment and the City ordinance providing for such abatement. [Ray E. Gilbert, Jr.]

MAYOR'S PROCLAMATION

CRIME STOPPERS MONTH

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

2. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of December 28, 2004.

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. That the Mayor be authorized to sign an Agreement between the City of El Paso and Transmountain Oil Company, L.C. to allow for the transfer and receipt of the Internal Revenue Service refund of federal excise taxes paid during the 2000 and 2001 tax years Claim in the total amount of \$25,443.00. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

4B. That the Mayor be authorized to sign, on behalf of the City, a Contract of Sale between the CITY OF EL PASO and the CAMWIND FAMILY LIMITED PARTNERSHIP for the purchase of B Pioneer, Lots 26 & 27 (1.99 acres), also known as 6550 Mohair Drive, El Paso, El Paso County, Texas, to be used for construction of new Fire Station No. 34. **(District 4)**
[Building and Planning Services, Patricia D. Adatao, (915) 541-4853]

4C. That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Thirteen Thousand Nine Hundred And No/100 Dollars (\$13,900.00, Grant Note - \$1,230.00, Loan Note - \$12,670.00), against the following described real property:

Lot 1826, Block 74, Mountain View Addition, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 1, Page 24, Plat Records in the office of the County Clerk of El Paso County, Texas; known and numbered as 8949 Mt. Rushmore

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Forty Two and 71/100 Dollars (\$42.71). **(District 2)**

Funds are available in the CD Housing Rehab Dept ID: 71150039, Grant: 710RLFCDH, Fund: 09903, Financial Location: 71000, Account: 505065
[Community and Human Development, Charles Ruiz, (915) 541-4221]

4D. That the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

5. STAFFING TABLE CHANGES:**5A. AIRPORT**

Delete	1.00	Industrial Electrician	GS 22
Add	1.00	Electrician	GS 19

Fund Source: 62620006-40101-62000
[Airport, Pat Abeln, (915) 780-4724]

5B. HEALTH

Add	1.00	Contract Professional	C
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Fund Source: 41010140-01101-41000

Add	1.00	Public Health Specialist	PM 72
Delete	2.00	Clerk II	GS 09

Fund Source: 41150020-06094-41000-G410506
[El Paso City-County Health and Environmental District, Dr. Jorge C. Magaña, (915) 771-5702]

5C. PARKS & RECREATION

Add	1.88	Recreation Leader III	R4
Add	1.50	Recreation Leader II	R3

Fund Source: 51150025-07322-51000-G510501
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

5D. PARKS & RECREATION

Delete	1.00	Secretary III	GS 19
Add	1.00	Administrative Assistant	GS 23

Fund Source: 51010214-01101-51000
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

6. BOARD RE-APPOINTMENT:

Leopoldo Gemoets to the Information Technology Advisory Board by Representative John F. Cook. [Representative John F. Cook, (915) 541-4400]

7. BOARD APPOINTMENT:

Daphne Love Hamilton to the Historic Landmark Commission by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]

8. RESIDENTIAL STREET LIGHT: Approve installation, power, and maintenance of residential street light at the following location:

Across from 8691 Independence Dr., by the cactus garden. Cost: \$949
Account No. 504420, Dept ID No. 01153008, Fund No. 16506
(District 6) [Representative Paul J. Escobar, (915) 541-4182]

9. Request that the following installment agreements for **AD VALOREM** taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

- 9A.** PID #S979-999-0230-8200, \$768.97 per month installments on a balance of \$4,613.82 for 2003 taxes; Rafael & Marcela Vega – 510 Randolph Dr. **(District 8)**
- 9B.** PID #1998-999-0002-0034, \$343.22 per month installments on a balance of \$2,059.32 for 2002 & 2003 Taxes; Dale W. Eastman, D.D.S. % Dale W. Eastman – 9201 Dyer. **(District 4)**
- 9C.** PID #98MH-999-0000-0274, \$163.92 per month installments on a balance of \$2,950.56 for 2000, 2001 & 2002 taxes; Don J. Bean – 6161 Doniphan #182. **(District 1)**

10. **APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]

- 10A.** Lone Star Title in the amount of \$12,272.88 overpayment of 2004 taxes. (PID #0652-999-0010-0000)
- 10B.** Wells Fargo Real Estate Tax Service in the amount of \$2,886.51 overpayment of 2003 taxes. (PID #E054-999-0060-5300)
- 10C.** City of El Paso Comptrollers Department in the amount of \$5,636.28 overpayment of 2004 taxes. (PID #P654-999-0760-7100)
- 10D.** Lone Star Title Company in the amount of \$32,363.75 overpayment of 2003 taxes. (PID #S990-999-0010-0200)
- 10E.** Wells Fargo Real Estate Tax Service in the amount of \$3,083.78 overpayment of 2003 taxes. (PID #W145-999-0580-4700)
- 10F.** Wells Fargo Real Estate Tax Service in the amount of \$2,575.26 overpayment of 2003 taxes. (PID #W145-999-0810-1300)
- 10G.** Wells Fargo Real Estate Tax Service in the amount of \$5,013.01 overpayment of 2003 taxes. (PID #W418-999-0050-2850)

11. **BUDGET TRANSFERS:** [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2005-312 MUSEUM OF ART

To re-align budget of School Coordinator based on grant award of less than budgeted amount.

Increase	\$33,290	to	54500028/50110/507000	Intrfd Trf
Increase	\$33,290	to	54150078/G54010907234/407000	Intrfd Trf
Decrease	\$22,650	from	54150078/G54010907234/405060	Donations
Increase	\$33,290	to	54500028/50110/407002	Est Rev

BT2005-332 MUSEUM OF ART

To transfer funds for the purchase of a work of Art – “Members Choice” Mary McCleary’s Jerusalem, Athens, Alexandrai, Vienna, London 2003 Mixed media collage.

Increase	\$4,000	to	54500025/50105/407002	Est Rev
Increase	\$4,000	to	54500025/50105/508011	CulturalWks

BT2005-341 MUSEUM OF ART

To transfer funds donated to cover shipping of gift of Artwork by James Drake from France.

Increase	\$22,000	to	54154001/G54000607401/405060	Donations
Increase	\$22,000	to	54154001/G54000607401/504004	Shipping

BT2005-343 MUSEUM OF ART

To appropriate funds for the purchase of kitchen sinks, work table, and refrigerator (for catering kitchen).

Increase	\$1,500	to	54500025/50105/407002	Est Revenue
Increase	\$1,500	to	54500025/50105/508009	Furn & Fixt

12. BUILDING PERMITS AND INSPECTIONS - REFUND:

Building Permit refund to Denny's (Jalil Ashrafzaden) in the amount of \$300.00. Funding Source: Account 41010127-404138.

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

REGULAR AGENDA**13. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

13A. An Ordinance changing the zoning of Lot 12, Block C, Christy Tract, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Lopez Castillo & Lidia Corral De Lopez. ZON04-00139 **(District 7)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

13B. An Ordinance changing the zoning of Lots 1 and 24, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxell. ZON04-00142. **(District 2)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

13C. An Ordinance changing the zoning of Lot 32, Block 3, Sahara Subdivision, El Paso, El Paso County, Texas, from R-4 (Residential) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo Levario. ZON04-00146. **(District 4)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

13D. An Ordinance changing the zoning of A portion of Lot 11, Block 1, Farah Subdivision Replat A, El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Fong. ZON04-00147. **(District 3)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JANUARY 25, 2005 FOR ITEMS 13A – 13D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

14. MAYOR AND COUNCIL:

Discussion and Action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank. **(District 1)**
[Representative Susan Austin, (915) 541-4886]

15. BUILDING PERMITS AND INSPECTIONS:

15A. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 910 E. Redd Road, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 1)**
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

15B. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 7)**
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

16. CITY ATTORNEY: [City Attorney's Office, James A. Martinez, (915) 541-4550]

Discussion and action regarding the following cases and request by Senator Eliot Shapleigh to have the City's attorneys and/or staff conduct a personal briefing for him regarding the status of the following cases and the City's plans for same:

Asarco v. TCEQ v. City of El Paso, In the 261st District Court, Travis County, Texas; Cause No. GN401709

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR

17. PUBLIC HEARING – BUILDING PERMITS AND INSPECTIONS:

Public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 7)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

18. PUBLIC HEARING – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:

An ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Increase The Existing Speed Limit of 30 M.P.H. to 35 M.P.H. on Ojo De Agua Drive From Via Descanso Lane to Westwind Drive. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 1)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

19. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

19A. Discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Antonio Diaz amending the zoning contract dated April 14, 1987 and as imposed by Ordinance No. 8993 to delete a condition and impose new conditions for the property described as a Portion of Tract 12A and all of Tract 12B, Block 51, Ysleta Grant, El Paso, El Paso County, Texas (9647 Socorro Rd). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Diaz. ZON04-00120. **(District 6)**

[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

19B. An Ordinance changing the zoning of a portion of Lots 29 through 32, Block 60, East El Paso Addition, El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Angela V. Rosales. ZON04-00143 **(District 8)** [Planning, Research and Development, Fred Lopez, (915) 541-4925]

19C. An Ordinance granting Special Permit No. ZON04-00148, to allow for a parking reduction on the property described as a portion of Lots 29 through 32, Block 60, East El Paso Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Angela V. Rosales. **(District 8)** [Planning, Research and Development, Fred Lopez, (915) 541-4925]

19D. An Ordinance changing the zoning of Lot 17 - 20, Block 17, Del Norte Acres, El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: M. A. Calabrese, Beryl Calabrese, Dennis Calabrese, Mary Kraft, Patricia Hoover, and Calabrese Enterprises Inc. ZON04-00135 **(District 2)** [Planning, Research and Development, Fred Lopez, (915) 541-4925]

19E. An Ordinance changing the zoning of Parcel 1: A portion of Lot 2, Block 1, Butterfield Trail Aviation Park Unit 2, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial); and Parcel 2: A portion of Lot 2, Block 2, Butterfield Trail Aviation Park Unit 2, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso. ZON04-00136 **(District 2)**

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 19F.** An ordinance granting a Special Privilege to Ahn Chi Ho permitting the encroachment of a canopy along a portion of public right-of-way at 426 South El Paso Street. (Fee: \$100.00, SP-04025) (District 8)

[Planning Research and Development, Esther Guerrero, (915) 541-4720]

- 20.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 20A.** Discussion and Action on the ordinance levying assessments and fixing liens for the costs of street improvements in the Kimberly Heights Subdivision. (551.071)

[City Attorney's Office, Theresa Cullen-Garney, (915) 541-4550]

- 20B.** Discussion, deliberation, and action on economic development-related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

[City Attorney's Office, John Nance, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>